

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HAYWARD UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012090581

ORDER TO SHOW CAUSE RE
DISMISSAL

On September 20, 2012, Student's mother (Mother) filed on behalf of Student a due process hearing request (complaint) naming the Hayward Unified School District (District) as respondent. On November 5, 2012, the Office of Administrative Hearings (OAH) served Student with an amended scheduling order setting forth a telephonic prehearing conference (PHC) for December 19, 2012 at 1:30 p.m. The amended scheduling order also stated that the parties were required to file PHC statements at least three business days prior to the PHC, or by December 14, 2012. On December 14, 2012, OAH staff left a voicemail message for Mother advising that her PHC statement was due on that day, by the close of business. Mother filed no PHC statement.

On December 19, 2012, Administrative Law Judge (ALJ) Carla L. Garrett attempted twice to convene the PHC, but Mother did not appear. Counsel for District, James Meeker, was available and ready to participate. ALJ Garrett advised in a voicemail message to Mother that Student's case would be dismissed if Mother fails to participate in a telephonic Order to Show Cause re: Dismissal hearing on Wednesday, December 26, 2012 at 10:00 a.m.

Student is ordered to show cause, at a telephonic hearing on December 26, 2012 at 10:00 a.m., as to why this matter should not be dismissed for failure to participate, prosecute, or advance the matter. Should Student provide adequate justification at the hearing on the order to show cause, the PHC will proceed at that time. Student is further ordered to file a PHC statement by noon on Monday, December 24, 2012, if Student intends to proceed to hearing.

Dated: December 19, 2012

/s/

CARLA L GARRETT
Administrative Law Judge
Office of Administrative Hearings

